



BOARD OF BARBERING AND COSMETOLOGY
CALIFORNIA DEPARTMENT OF CONSUMER AFFAIRS
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**Board of Barbering and Cosmetology
Department of Social Services
744 P Street
Sacramento, CA 95814**

MEETING OF THE BOARD OF BARBERING AND COSMETOLOGY

MINUTES OF JANUARY 30, 2006

BOARD MEMBERS PRESENT:

Dr. Della M. Condon, President
Joe Gonzalez, Vice President
Richard Hedges (via phone)
Frank Lloyd
Marlene Gadinis
Angela Reddock
Jerry Tyler
Jerri Ann Walters

STAFF MEMBERS PRESENT:

Kristy Underwood, Interim Executive Officer
Denise Johnson, Assistant Executive Officer
Gary Duke, Staff Counsel
Theresa Rister, Staff
Paul Cobb, Staff

1. Agenda Item #1, CALL TO ORDER/ROLL CALL

Dr. Condon called the meeting to order at 9:00 a.m. She welcomed the audience. The board members and staff introduced themselves.

Ms. Underwood presented Dr. Condon with a resolution acknowledging her years of service and unparalleled devotion to the industry and the board. The resolution was read into the record.

2. Agenda Item #2, PRESIDENTS REPORT

Dr. Condon reflected on the accomplishments and hard working members of the Board since its inception in 2004. The majority of the Board's goals have been realized.

3. Agenda Item #3, ELECTION OF OFFICERS

Mr. Lloyd nominated Mr. Tyler as president. Mr. Gonzalez nominated Dr. Condon as president. Mr. Tyler and Dr. Condon discussed their backgrounds, concerns and focus for the future of the industry and the Board.

A roll call vote was conducted for electing Mr. Tyler president. The vote was 4-4 (Condon, Gonzalez, Hedges, Reddock). A roll call vote was conducted for electing Dr. Condon president. The vote was 4-4 (Gadinis, Lloyd, Tyler, Walters). Dr. Condon recommended the item be

deferred to the next Board meeting. The Board agreed. Legal counsel confirmed Ms. LaChappa could not vote by proxy as she was not in attendance.

Mr. Hedges nominated Mr. Gonzalez for the position of vice president. Ms. Gadinis nominated Mr. Tyler. Mr. Gonzalez presented his background and future goals. Mr. Tyler presented his qualifications and background for vice president.

A roll call vote was conducted for electing Mr. Tyler vice president. The vote was 4-4 (Condon, Gonzalez, Hedges, Reddock). A roll call vote was conducted for electing Mr. Gonzalez vice president. The vote was 4-4 (Gadinis, Lloyd, Tyler, Walters). This item was deferred to the next Board meeting. The Board agreed.

4. Agenda Item #4, APPROVAL OF MEETING MINUTES

Dr. Condon noted on page 2, Item 4b. She was disappointed with the non communication from the Department opposing this bill. Mr. Hedges noted on page 6, Item 5f, that someone needs to be responsible for the salon.

A motion was made and seconded to approve the minutes of October 24, 2005 with the above corrections. They were approved by a 7-0 roll call vote. However, it was noted Mr. Tyler and Ms. Walters were not at the last meeting on the Board and should abstain from the vote.

Dr. Condon asked if the closed session could be conducted at the end of the meeting. However, Item 9, executive officer interviews, have a specific time scheduled, and need to be done in order.

5. Agenda Item #5, STATUS OF LEASE AT THE FAIRFIELD EXAMINATION FACILITY

Ms. Underwood noted the lease at the Fairfield examination facility is up for renewal. There are currently no concerns about this site, and staff recommends renewing the lease. A motion was made and seconded to renew the lease at the current Fairfield exam site. Dr. Condon asked the motion include a price per square foot to ensure it is within market rates. Also that the final negotiated price be approved by the Board. Staff noted the timeframe is tight; they were directed to continue the negotiations. It was approved by a 7-0 roll call vote with the recommended amendments.

6. Agenda Item #6, EXAMINATION SITE PROCEDURES

There are a large number of no-shows at the exam sites. The current procedures do not allow for drop-in examinees. Staff reviewed the possibility of adding on candidates. This may not work as the current system cannot provide information to the exam sites without notice. Mr. Lloyd asked about the possibility of overbooking as there could be close to 40 no-shows at an examination, or 400 per month. The overbooked students would be told they are on stand-by and be input into the computer as such and flagged. Ms. Underwood noted the department would be charged for everyone scheduled. Changes in the computer program would be needed to accomplish this. Mr. Gonzalez asked Ms. Underwood to notify the schools of their findings, to encourage people to come to the exams as scheduled. Mr. Hedges' noted that we should test as many people as possible. Put it in policy to add on candidates, ask the vendor for their opinion. Ms. Underwood will talk to the examination staff, the testing site and the vendor to solicit their opinions on a

solution including overbooking and using the stand-by process. There was a motion made and seconded to direct staff to present a plan at the next Board meeting which addresses the no-shows at the examination facility. The motion passed by a 7-0 vote.

7. Agenda Item #7, DECISION ON FUTURE BOARD MEETING DATES

Staff presented their recommendations for future Board meeting dates. A two day meeting is proposed in February to review the strategic plan. The committee meeting is scheduled for February 26th, the Board meeting is scheduled in San Diego for February 27th, and March 1st are the Disciplinary Review Committee. Mr. Gonzalez noted a four day meeting for members of the committee may be difficult to accomplish. Other members of the Disciplinary Review Committee agreed. Mr. Tyler noted too many meetings, would like quarterly meetings held. It was recommended to conduct the strategic plan review the morning of February 27th, then have the Board meeting later in the day. The April meeting in Los Angeles is scheduled for the 24th, with the Disciplinary Review Committee on the 10th, 11th and 12th, and the committee meeting on the 23rd. The Board agreed not to meet in May. In June the Committee and Board meeting are scheduled for the 25th and 26th, with the Disciplinary Review Committee on the 27th and 28th. It was noted this is again four days. It possibly can be pared down to three days, but this is only a tentative schedule.

8. Agenda Item #8, UPDATE ON NEWSLETTER

Ms. Underwood presented the Board a sample of the newsletter. She asked for current biographies of the Board members and the President's Message by the next week. Theresa Rister is in charge of the newsletter and is the contact person. Information should be sent directly to Ms. Rister. This edition of the newsletter is ready to go on the website pending approval of the Board. Mr. Hedges requested the increase in enforcement and the number of citations issued be included in the accomplishments. The Board approved of the newsletter format and directed staff to complete it. They will get their information to staff by next week.

The Board decided to discuss agenda items 11, 16, 17, and 18 (9 and 10 were moved to the end of agenda)

11. Agenda Item #11, LEGISLATION AND PROPOSED REGULATIONS

- a. Review of AB 413 (Equipment Safety): This is a new bill that mirrors AB 1263, that was vetoed by the Governor. The bill requires the Board to adopt regulation by July 1, 2007 that sets standards and requirements for the use of multi tools which includes equipment that holds water for pedicures. It also requires the Board to establish penalties for violations of the regulations. Dr. Condon ask Mr. Tyler for suggestions. Mr. Tyler suggest getting input from the inspectors. Mr. Gonzalez notes that that foot spa violations is a major issue at the DRC hearings. A department task force has been formed to address this bill. Dr. Condon suggested the Board wait to endorse the bill before determining what the author's goals are. A motion was made and seconded that the Board take a watch position on the bill. The motion passed by a 7-0 vote.

- b. Update of AB 861 (License Denial): This bill has been discussed by the Board in the past, and has now been amended. The new amendment now requires the following of the Board: to give specific information to a person who's been denied a license; to conduct a hearing within 90 days after a request for a hearing on a denial; authorizes the Board to issue a probationary license; and to conduct a study on the effects of the law, regulations and policy that may create unnecessary barriers to employing people with criminal records; to report the findings of the study to the legislature on or before September 1, 2007. This bill has significant impact to the Board. Resources are not currently available to conduct the study or to issue probationary licenses. The bill did pass in the Appropriations Committee and forwarded to the Senate. Ms. Reddock noted she has talked with Los Angeles Assemblywoman Bass who informed her the correctional facilities have training programs for barbering and cosmetology, but when a person is paroled they cannot find a job. The legislator is actively pushing this bill and hoped a compromise could be found. A motion was made that the Board support the concept of the bill and take a stronger look at the bill including speaking with Assemblywoman Bass to identify her mission and goals for the bill. Mr. Tyler believed the nature of the crime is an important factor whether to deny or approve a license. Ms. Underwood is concerned that the decision to issue a probationary license would be in her staff's hands, and may be difficult if the criteria is not specific. It was noted that we must ensure that applicants receive due process rights. Mr. Hedges recommended inviting Assemblywoman Bass to the next meeting to discuss the bill. The motion was amended to reflect the Board will take a watch position and invite Assemblywoman Bass to address the Board. The motion was seconded and passed by a 7-0 vote.

Public Comment:

Leondra Green, Greater East Bay Barber & Cosmetology Apprenticeship Committee. Ask will it effect apprentices? Dr. Condon states "yes".

- c. Review of AB 1793 (Threading): The bill would revise the definition of threading to include incidental trimming of eyebrow hair; it would extend the operation of the provision until July 1, 2008. The bill would take effect immediately. A motion was made and seconded to support the bill. Mr. Tyler expressed his concerns that the bill may allow unregulated activities by certain unlicensed operators. A motion was made and seconded to invite the author of the bill to a future meeting to make a presentation. The motion passed by a 5-2 (Gadinis, Tyler) vote.

Public Comment:

A member of the public asked for clarification of the bill. Dr. Condon reiterated supporting the bill would allow the Board to determine what tools can be used for threading.

- d. Update on Proposed Regulations (Passing Grades in Examination): Legal counsel presented the update on the proposed regulation regarding passing grades in examinations. Mr. Duke informed the Board that the Departments Deputy Director of

Legal Affairs questioned the statutory authority on the retroactive language and indicated there were other technical changes needed. A motion was made to accept the regulation with the removal of the retroactive language. The motion was seconded and passed by a 5-1-1 vote with Ms. Gadinis voting no and Mr. Tyler abstaining.

12. Agenda Item #12, UNLICENSED ACTIVITY REPORT: Deferred to next meeting

13. Agenda Item #13, WORKLOAD STATISTICS: Deferred to next meeting.

14. Agenda Item #14, UPDATE ON SUNSET REVIEW: Deferred to next meeting.

15. Agenda Item #15, DISCUSSION ON TATTOOING AND PERMANENT MAKE-UP: Deferred to next meeting.

16. Agenda Item #16, AGENDA ITEMS FOR NEXT MEETING

Fine schedule; Computer Based Testing-RFP; Election of Officers; Items 12-15 above.

17. Agenda Item #17, REGULATION HEARING – PROPOSED AMENDMENT TO SECTION 928, ARTICLE 4, TITLE 16, DIVISION 9, OF THE CALIFORNIA CODE OF REGULATIONS RELATING TO PRE-APPLICATION OF APPRENTICE

Dr. Condon opened the regulatory hearing. She read into the record the procedures of the hearing. The proposed amendment would allow the apprentice to pre-apply. The public present did not wish to address the board on this issue. Dr. Condon closed the hearing.

18. Agenda Item #18, PUBLIC COMMENT

Derek Azzaro, public, He provided the Board with material. He has asked for documentation of the law in the past on repeated occasions. He lost his license due to the implementation of this law.

Closed Session

9. Agenda Item #9, EXECUTIVE OFFICER INTERVIEWS, DELIBERATIONS AND SELECTION)

10. Agenda Item #10, DISCUSSION OF LITIGATION CASE)

Eric Anthony Devezin v. Board of Barbering and Cosmetology; Los Angeles Superior Court Case No. BS094304.

The Board reconvened the meeting and went back into open session.

19. Agenda Item #19, ADJOURNMENT